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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Shamaneen Khan,

Plaintiff,

vs.

The Permanente Medical Group,  
 Incorporated, A California Corporation;  
 SEIU United Healthcare Workers-West, a  
 California Corporation and DOES 1-50,  
 inclusive,

Defendants.

) Case No.: C08-01783 WHA

) **DECLARATION OF PLAINTIFF**  
 ) **SHAMANEEN KHAN IN OPPOSITION**  
 ) **TO DEFENDANT SEIU UNITED**  
 ) **HEALTHCARE WORKERS' MOTION**  
 ) **TO DISMISS**

) **[FED.R.CIV.PROC. 12(b)(6)]**

) Date: May 29, 2008  
 ) Time: 8:00 a.m.  
 ) Judge: William H. Alsup  
 ) Courtroom: 9, 19<sup>th</sup> Floor

) Complaint Filed: March 7, 2008  
 ) Removed: April 3, 2008

I, Shamaneen Khan, declare:

1. I am the plaintiff in the instant lawsuit. If called upon to testify, I could and would testify competently as to the facts of this declaration as said facts are within my personal knowledge.
2. I am a devout Muslim and my Muslim faith requires that all Muslims make a once in a lifetime Hajj, pilgrimage to Mecca in Saudi Arabia. In January 2006, I requested of Defendant The Permanente Medical Group, Incorporated (hereinafter "PMG") that I be granted her vacation from about December 11, 2006, to about January 5, 2007. I planned to go on her Hajj during that period..
3. Instead of granting me the requested vacation, Defendant PMG placed me on a waiting list for the dates of December 22, 26, 27, 29 and January 2, 2007, and granted my request for the other dates.

1 4. In or about January 2006, I complained to my manager, Debbie Henning-Cook. I told Ms.  
2 Henning-Cook that I needed all the dates requested for my religious pilgrimage to Mecca. Ms.  
3 Henning-Cook told me to wait and see what happened with the waiting list.

4 5. In or about June 2006, I applied for vacation on January 8 to 10, 2007 for my pilgrimage.  
5 Defendant PMG approved those dates.

6 6. In or about October 2006, I again told Ms. Henning-Cook that I needed Defendant PMG's  
7 approval for the dates of December 22, 26, 27, 29, 2006, and January 2, 2007, because I had to go  
8 on the religious pilgrimage to Mecca during that period. On or about November 20, 2006, Ms.  
9 Henning-Cook told me that Defendant PMG would not approve those dates and that if I went on my  
10 religious pilgrimage on those dates, I would be disciplined.

11 7. Subsequently, I complained to Defendant SEIU United Healthcare Workers-West (hereinafter  
12 "Defendant UHW") about Defendant PMG's conduct toward me. Specifically, I told my union shop  
13 steward that I had requested vacation dates for a religious pilgrimage, and that Defendant PMG had  
14 denied me some of the dates I needed, and that Defendant PMG had threatened to discipline me if  
15 I used the denied dates to go on my religious pilgrimage to Mecca. Defendant UHW's agent told  
16 me that Defendant UHW could not do anything to help me and that Defendant PMG could terminate  
17 my employment for job abandonment if I went on my religious pilgrimage on the dates denied me  
18 for vacation. Thereafter, I also complained about Defendant PMG's conduct to Defendant UHW's  
19 senior shop agent. I was told that Defendant UHW could do nothing to help me.

20 8. In or about December 2006, Defendant PMG's managers asked me if I was still going on my  
21 religious pilgrimage. I answered affirmatively and again requested Defendant PMG's approval of  
22 the dates of December 22, 26, 27, 29, 2006, and January 2, 2007, for that religious observance. My  
23 managers reiterated that Defendant PMG would not approve the requested time off and that  
24 Defendant PMG would also not approve a leave of absence without pay for those dates.

25 9. On or about December 15, 2006, Defendant PMG did approve December 22, 2006, as a vacation  
26 day but still refused to approve December 26, 27, 29, and January 2, 2007.

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10. Saudi Arabia officials announced that the 2006 Hajj, Muslim pilgrimage to Mecca, would occur from December 26 to 30, 2006. On December 21, 2006, I left the United States for my religious pilgrimage in Mecca, Saudi Arabia. On December 26, 27, 29, 2006, and January 2, 2007, I telephoned Defendant PMG to notify it that I was in Mecca for the pilgrimage. On or about January 16, 2007, Defendant PMG informed me that effective January 17, 2007, my employment would be terminated for job abandonment.

11. On or about January 17, 2007, I complained to Defendant UHW about Defendant PMG's termination of my employment based on religious discrimination. Defendant UHW's agent told me, "We can not accommodate every religion." In addition, on or about August 2, 2007, despite my request for Defendant UHW to file a grievance against Defendant PMG, Defendant UHW told me that it would not pursue an unjust discipline grievance against defendant PMG on my behalf.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: May 6, 2008

/s/

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SHAMANEEN Z. KHAN